THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17135 of 2004

ORAL ORDER:

This writ petition is filed seeking Mandamus declaring the notification dated 1.9.2004 issued by the respondent as illegal and arbitrary.

It appears, petitioner was temporary fair price shop dealer of Venkatapuram village, Chityal mandal, Nalgonda district. The respondent issued the impugned notification inviting applications from the eligible candidates belonging to Backward Class (General) candidates in respect of the said fair price shop. It is the contention of the petitioner that the said shop should have been reserved for General (OC) category instead of BC category and there is no basis for reserving the same to BC category.

The respondent filed counter affidavit stating that as per G.O.Ms.No.53 dated 6.10.2003, walk-in-interviews were conducted on 22.9.2004. Altogether (7) Backward Class (General) candidates have attended the interview and on the basis of interview and merit, one Chirraboina Chandraiah belonging to B.C. community has been selected and appointed. The interim order passed by this Court on 22.9.2004 was placed before the respondent on 24.9.2004 at 6 p.m. and by that time, the selection process was completed, therefore, the interim order has become infructuous.

Whether a particular vacancy is to be notified in favour of any category including General Category (O.C), it is for the Revenue Divisional Officer to take an appropriate decision and notify the same. In this case, no illegality was brought to the notice of this Court for reserving the vacancy in favour of B.C. (General) category. The case of the petitioner is that he was appointed as dealer on temporary basis

and therefore, vacancy ought to have been notified in the General Category (O.C.) instead of B.C. (General).

However, no records were placed before the Court by the Government Pleader as directed on 6.2.2006 to show that the notification reserving the vacancy for B.Cs. is within 25% prescribed under G.O.Ms.No.53 dated 6.10.2003.

In view of the above, I am of the opinion that the writ petition itself can be disposed directing the Respondent-Revenue Divisional Officer to consider the representation to be filed by the petitioner within a period of three weeks from the date of receipt of a copy of this order and dispose of the same for considering the vacancy being notified for General Category (O.C.) instead of reserving it for Backward Class category and pass appropriate orders within two months thereafter and communicate the same to the petitioner. No order as to costs.

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C.V.RAMULU,
J

Date: 6.11.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17135 of 2004

6.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17135 of 2004

Date: 6th November, 2006

Between:

Smt.Mudupu Swaroopa

.. Petitioner

And

The Revenue Divisional Officer,
Nalgonda division, Nalgonda district.

.. Respondent